

AMENDED IN ASSEMBLY JUNE 24, 2013

AMENDED IN ASSEMBLY JUNE 11, 2013

AMENDED IN SENATE MARCH 18, 2013

**SENATE BILL**

**No. 286**

---

**Introduced by Senators Yee and Pavley**  
**(Coauthors: Senators Correa and Lieu)**  
(Coauthor: Assembly Member Ting)

February 14, 2013

---

An act to amend Sections 21655.9 and 42001.6 of, and to amend and repeal Section 5205.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 286, as amended, Yee. Vehicles: high-occupancy vehicle lanes.

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs), which lanes may also be used, until January 1, 2015, or until the Secretary of State receives a specified notice, by certain low-emission, hybrid, or alternative fuel vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane, if the vehicle displays a valid identifier issued by the Department of Motor Vehicles. A violation of provisions relating to HOV lane use by vehicles with those identifiers is a crime.

This bill would extend the operation of those provisions to January 1, 2018, or until the Secretary of State receives that specified notice. The bill would permit the department to issue a valid identifier to a vehicle that meets California's transitional zero emission vehicle (TZEV) standard. The bill would also repeal duplicate provisions of law, delete obsolete provisions of law relating to hybrid vehicles, and make

additional conforming changes. By extending a crime that otherwise would be repealed, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5205.5 of the Vehicle Code, as amended  
2 by Section 2 of Chapter 674 of the Statutes of 2012, is amended  
3 to read:

4 5205.5. (a) For purposes of implementing Section 21655.9,  
5 the department shall make available for issuance, for a fee  
6 determined by the department to be sufficient to reimburse the  
7 department for the actual costs incurred pursuant to this section,  
8 distinctive decals, labels, and other identifiers that clearly  
9 distinguish the following vehicles from other vehicles:

10 (1) A vehicle that meets California's super ultra-low emission  
11 vehicle (SULEV) standard for exhaust emissions and the federal  
12 inherently low-emission vehicle (ILEV) evaporative emission  
13 standard, as defined in Part 88 (commencing with Section  
14 88.101-94) of Title 40 of the Code of Federal Regulations.

15 (2) A vehicle that was produced during the 2004 model-year or  
16 earlier and meets California ultra-low emission vehicle (ULEV)  
17 standard for exhaust emissions and the federal ILEV standard.

18 (3) A vehicle that meets California's enhanced advanced  
19 technology partial zero-emission vehicle (enhanced AT PZEV)  
20 standard or transitional zero emission vehicle (TZEV) standard.

21 (b) The department shall include a summary of the provisions  
22 of this section on each motor vehicle registration renewal notice,  
23 or on a separate insert, if space is available and the summary can  
24 be included without incurring additional printing or postage costs.

25 (c) The Department of Transportation shall remove individual  
26 HOV lanes, or portions of those lanes, during periods of peak

1 congestion from the access provisions provided in subdivision (a),  
2 following a finding by the Department of Transportation as follows:

3 (1) The lane, or portion thereof, exceeds a level of service C,  
4 as discussed in subdivision (b) of Section 65089 of the Government  
5 Code.

6 (2) The operation or projected operation of the vehicles  
7 described in subdivision (a) in these lanes, or portions thereof, will  
8 significantly increase congestion.

9 (d) The State Air Resources Board shall publish and maintain  
10 a listing of all vehicles eligible for participation in the programs  
11 described in this section. The board shall provide that listing to  
12 the department.

13 (e) (1) For purposes of subdivision (a), the Department of the  
14 California Highway Patrol and the department, in consultation  
15 with the Department of Transportation, shall design and specify  
16 the placement of the decal, label, or other identifier on the vehicle.  
17 Each decal, label, or other identifier issued for a vehicle shall  
18 display a unique number, which number shall be printed on, or  
19 affixed to, the vehicle registration.

20 (2) Decals, labels, or other identifiers designed pursuant to this  
21 subdivision for a vehicle described in paragraph (3) of subdivision  
22 (a) shall be distinguishable from the decals, labels, or other  
23 identifiers that are designed for vehicles described in paragraphs  
24 (1) and (2) of subdivision (a).

25 (f) (1) Except as provided in paragraph (2), for purposes of  
26 paragraph (3) of subdivision (a), the department shall issue no  
27 more than 40,000 distinctive decals, labels, or other identifiers that  
28 clearly distinguish a vehicle specified in paragraph (3) of  
29 subdivision (a).

30 (2) The department may issue a decal, label, or other identifier  
31 for a vehicle that satisfies all of the following conditions:

32 (A) The vehicle is of a type identified in paragraph (3) of  
33 subdivision (a).

34 (B) The owner of the vehicle is the owner of a vehicle for which  
35 a decal, label, or other identifier described in paragraph (1) was  
36 previously issued and that vehicle for which the decal, label, or  
37 other identifier was previously issued is determined by the  
38 department, on the basis of satisfactory proof submitted by the  
39 owner to the department, to be a nonrepairable vehicle or a total  
40 loss salvage vehicle.

1 (C) The owner of the vehicle applied for a decal, label, or other  
2 identifier pursuant to this paragraph within six months of the date  
3 on which the vehicle for which a decal, label, or other identifier  
4 was previously issued is declared to be a nonrepairable vehicle or  
5 a total loss salvage vehicle.

6 (g) If the Metropolitan Transportation Commission, serving as  
7 the Bay Area Toll Authority, grants toll-free and reduced-rate  
8 passage on toll bridges under its jurisdiction to a vehicle pursuant  
9 to Section 30102.5 of the Streets and Highways Code, it shall also  
10 grant the same toll-free and reduced-rate passage to a vehicle  
11 displaying an identifier issued by the department pursuant to  
12 paragraph (1) or (2) of subdivision ~~(a) if the vehicle is registered~~  
13 ~~to an address outside of the region identified in Section 66502 of~~  
14 ~~the Government Code.~~ (a).

15 (h) (1) Notwithstanding Section 21655.9, and except as  
16 provided in paragraph (2), a vehicle described in subdivision (a)  
17 that displays a decal, label, or identifier issued pursuant to this  
18 section shall be exempt from toll charges imposed on  
19 single-occupant vehicles in high-occupancy toll lanes as described  
20 in Section 149.7 of the Streets and Highways Code unless  
21 prohibited by federal law.

22 (2) (A) Paragraph (1) does not apply to the imposition of a toll  
23 imposed for passage on a toll road or toll highway, that is not a  
24 high-occupancy toll lane as described in Section 149.7 of the  
25 Streets and Highways Code.

26 (B) On or before March 1, 2014, paragraph (1) does not apply  
27 to the imposition of a toll imposed for passage in lanes designated  
28 for tolls pursuant to the federally supported value pricing and  
29 transit development demonstration program operated pursuant to  
30 Section 149.9 of the Streets and Highways Code for State Highway  
31 Route 10 or 110.

32 (C) Paragraph (1) does not apply to the imposition of a toll  
33 charged for crossing a state-owned bridge.

34 (i) If the Director of Transportation determines that federal law  
35 does not authorize the state to allow vehicles that are identified by  
36 distinctive decals, labels, or other identifiers on vehicles described  
37 in subdivision (a) to use highway lanes or highway access ramps  
38 for high-occupancy vehicles regardless of vehicle occupancy, the  
39 Director of Transportation shall submit a notice of that  
40 determination to the Secretary of State.

1 (j) (1) This section shall remain in effect only until January 1,  
2 2018, or until the date the Secretary of State receives the notice  
3 described in subdivision (i), whichever occurs first, and as of that  
4 date is repealed.

5 (2) With respect to a vehicle described in paragraph (3) of  
6 subdivision (a), this section shall become operative on January 1,  
7 2012, and shall be operative only until January 1, 2018, or until  
8 the date the Secretary of State receives the notice described in  
9 subdivision (i), whichever occurs first.

10 SEC. 2. Section 5205.5 of the Vehicle Code, as added by  
11 Section 1 of Chapter 37 of the Statutes of 2010, is repealed.

12 SEC. 3. Section 21655.9 of the Vehicle Code is amended to  
13 read:

14 21655.9. (a) (1) Whenever the Department of Transportation  
15 or a local authority authorizes or permits exclusive or preferential  
16 use of highway lanes or highway access ramps for high-occupancy  
17 vehicles pursuant to Section 21655.5, the use of those lanes or  
18 ramps shall also be extended to vehicles that are issued distinctive  
19 decals, labels, or other identifiers pursuant to Section 5205.5  
20 regardless of vehicle occupancy or ownership.

21 (2) A local authority during periods of peak congestion shall  
22 suspend for a lane the access privileges extended pursuant to  
23 paragraph (1) for those vehicles issued distinctive decals, labels,  
24 or other identifiers pursuant to Section 5205.5, if a periodic review  
25 of lane performance by that local authority discloses both of the  
26 following factors regarding the lane:

27 (A) The lane, or a portion of the lane, exceeds a level of service  
28 C, as described in subdivision (b) of Section 65089 of the  
29 Government Code.

30 (B) The operation or projected operation of vehicles in the lane,  
31 or a portion of the lane, will significantly increase congestion.

32 (b) A person shall not drive a vehicle described in subdivision  
33 (a) of Section 5205.5 with a single occupant upon a high-occupancy  
34 vehicle lane pursuant to this section unless the decal, label, or other  
35 identifier issued pursuant to Section 5205.5 is properly displayed  
36 on the vehicle, and the vehicle registration described in Section  
37 5205.5 is with the vehicle.

38 (c) A person shall not operate or own a vehicle displaying a  
39 decal, label, or other identifier, as described in Section 5205.5, if  
40 that decal, label, or identifier was not issued for that vehicle

1 pursuant to Section 5205.5. A violation of this subdivision is a  
2 misdemeanor.

3 (d) If the provisions in Section 5205.5 authorizing the  
4 department to issue decals, labels, or other identifiers to hybrid  
5 and alternative fuel vehicles are repealed, vehicles displaying those  
6 decals, labels, or other identifiers shall not access high-occupancy  
7 vehicle lanes without meeting the occupancy requirements  
8 otherwise applicable to those lanes.

9 (e) (1) This section shall remain in effect only until January 1,  
10 2018, or until the date that the Secretary of State receives the notice  
11 described in subdivision (i) of Section 5205.5, whichever occurs  
12 first, and as of that date is repealed.

13 (2) With respect to a vehicle described in paragraph (3) of  
14 subdivision (a) of Section 5205.5, this section shall become  
15 operative on January 1, 2012, and shall be operative only until  
16 January 1, 2018, or until the date the Secretary of State receives  
17 the notice described in subdivision (i) of Section 5205.5, whichever  
18 occurs first.

19 SEC. 4. Section 42001.6 of the Vehicle Code is amended to  
20 read:

21 42001.6. Every person convicted of an infraction for a violation  
22 of Section 22511.1 is punishable by a fine of one hundred dollars  
23 (\$100).

24 No part of any fine imposed shall be suspended, except the court  
25 may suspend that portion of the fine above twenty-five dollars  
26 (\$25) for a violation of Section 22511.1 if the person convicted  
27 possessed at the time of the offense, but failed to display, a valid  
28 zero-emission vehicle decal identification issued pursuant to  
29 subdivision (a) of Section 5205.5. The fine may be paid in  
30 installments if the court determines that the defendant is unable to  
31 pay the entire amount in one payment.

32 SEC. 5. No reimbursement is required by this act pursuant to  
33 Section 6 of Article XIII B of the California Constitution because  
34 the only costs that may be incurred by a local agency or school  
35 district will be incurred because this act creates a new crime or  
36 infraction, eliminates a crime or infraction, or changes the penalty  
37 for a crime or infraction, within the meaning of Section 17556 of  
38 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

O